

# United States District Court

DISTRICT OF

Massachusetts

ZONEPERFECT NUTRITION COMPANY

V.

HERSHEY FOODS CORPORATION,  
HERSHEY CHOCOLATE & CONFECTIONERY  
CORPORATION, and BARRY D. SEARS

## SUMMONS IN A CIVIL CASE

CASE NUMBER:

04 10760 REK

TO: (Name and address of defendant)

BARRY D. SEARS

21 TIOGA WAY

MARBLEHEAD, MA 01945

42 Stanwood Rd.  
Swampscott, MA 01907

**YOU ARE HEREBY SUMMONED** and required to serve upon PLAINTIFF'S ATTORNEY (name and address)

Daniel L. Goldberg  
Joshua M. Dalton  
Matthew L. Mitchell

BINGHAM MCCUTCHEN LLP  
150 Federal Street  
Boston, MA 02110

an answer to the complaint which is herewith served upon you, within 20 days after service of this summons upon you, exclusive of the day of service. If you fail to do so, judgment by default will be taken against you for the relief demanded in the complaint. You must also file your answer with the Clerk of this Court within a reasonable period of time after service.

CLERK

DATE

4-15-04

(BY) DEPUTY CLERK



### RETURN OF SERVICE

Service of the Summons and Complaint was made by me <sup>1</sup>	DATE 4/16/04
NAME OF SERVER (PRINT) Lindsay P. Parker	TITLE

Check one box below to indicate appropriate method of service

- ☐ Served personally upon the defendant. Place where served: \_\_\_\_\_
- ☐ Left copies thereof at the defendant's dwelling house or usual place of abode with a person of suitable age and discretion then residing therein.  
Name of person with whom the summons and complaint were left: \_\_\_\_\_
- ☐ Returned unexecuted: \_\_\_\_\_
- ☒ Other (specify): Left at defendant's last and usual place of abode at 42  
Stanwood Rd., Swampscott, Massachusetts.

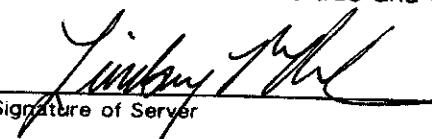
### STATEMENT OF SERVICE FEES

TRAVEL	SERVICES	TOTAL
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### DECLARATION OF SERVER

I declare under penalty of perjury under the laws of the United States of America that the foregoing information contained in the Return of Service and Statement of Service Fees is true and correct.

Executed on 4/16/04  
Date

  
Signature of Server  
6 Beacon St., Boston, MA  
Address of Server

(1) As to who may serve a summons see Rule 4 of the Federal Rules of Civil Procedure.